IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO. 1250 OF 2003

Indian Airlines Ltd. ... Petitioner

Vs.

R.S. Masurkar & anr. ... Respondents

Mr. V.K. Govil i/by R.C. Dhuru for Petitioner.

Mr. Anilkumar Menon for Respondent No. 1.

CORAM : F.I. REBELLO,J.
DATED : DECEMBER 17, 2004

P.C.

. On behalf of the Petitioners, learned counsel seeks adjournment on the ground that the counsel appearing in the matter is appearing in Arbitration Proceedings. Considering the controversy involved, to my mind as no rights of the Petitioners would be affected adversely, the application for adjournment is rejected. The learned counsel was asked whether he would like to argue the matter. He was not ready with the matter and requested that Mr. Dixit counsel at whose instance adjournment was soguht will be arguing the matter.

. The matter was admitted on 9.6.2003.Pending respondent filing reply, ad interim relief was granted. On 10.11.2003 the said relief was modified to the extent that the Tribunal could proceed with recording of evidence and would complete the recording of evidence. In other words, no bar was put on the tribunal for recording

evidence.

. The Petition is merely to challenge Part I of the Award whereby the tribunal has come to the conclusion that the enquiry held was contrary to principles of natural justice and fair play and the findings recorded by the Enquiry Officer are perverse. The only consequence of the order is that both the parties get opportunity to lead evidence afresh before the tribunal. Considering the above and as otherwise liberty can be granted to the Petitioenr, if aggrieved by the final award to challenge Part I award, in my opinion, this will not be a fit case where this court should exercise its extra ordinary jurisdiction. More so bearing in mind that the aim of justice is to see that the matters are disposed of at the earliest and the judicial process is not used to thwart the disposal of the matter.

. Considering the above, rule discharged. However, if petitioners are aggrieved by the final award passed, it will be open to them whilst challenging the final award to raise all objections which they are entitled to in law against Part I award which have been raised in the present petition along with whatever other objections they are entitled to.

. With above observations, rule discharged. No order as to costs.

(F.I. REBELLO,J.)